

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

E-MYTH WORLDWIDE, INC., a Delaware  
corporation,

Plaintiff,

v.

JEFF BURROWS, an individual,

Defendant.

No. C-05-3753 MMC

**ORDER GRANTING IN PART AND  
DENYING IN PART DEFENDANT'S  
MOTION FOR PARTIAL DISMISSAL**

(Docket No. 12)

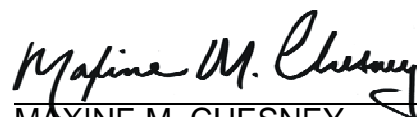
Before the Court is the motion filed November 30, 2005 by defendant Jeff Burrows ("Burrows") for partial dismissal of the complaint asserted against him by plaintiff E-Myth Worldwide, Inc. ("E-Myth"). For the reasons set forth at the January 20, 2006 hearing, the motion is hereby GRANTED IN PART and DENIED IN PART, as follows:

1. Burrow's motion to dismiss E-Myth's causes of action for breach of contract and declaratory relief is GRANTED to the extent said claims are based on the non-competition clauses barring post-termination competition as set forth in §§ 12.1 and 12.2 of the parties' January 18, 1997 "Certified E-Myth Consultant Agreement," and said claims are DISMISSED with prejudice.

2. In all other respects, the motion is DENIED.

**IT IS SO ORDERED.**

Dated: January 20, 2006

  
MAXINE M. CHESNEY  
United States District Judge